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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,437	03/18/2004	Akio Konishi	YAMAP0912US	5429
43076 7590 01/24/2007 MARK D. SARALINO (GENERAL) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE, NINETEENTH FLOOR CLEVELAND, OH 44115-2191			EXAMINER BLOUNT, MARK S	
			ART UNIT	PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/803,437

Applicant(s)

KONISHI ET AL.

Examiner

Mark Blouin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 11/23/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Drawings***

1. All relevant objections have been satisfied.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda et al (US 5,638,231).
4. Regarding Claim 1, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus comprising: an arm section (Fig. 24) pivotable about a pivoting shaft (108); a tape guide section (107) provided on the arm section for guiding a magnetic tape; a capstan (101) section for driving the magnetic tape so as to run; and a maintaining section (Fig. 29, 99) provided on the capstan section; wherein: the arm section is pivotable between a first location and a second location the first location is a location at which the information recording to and/or information reproduction from the magnetic tape is possible (Fig. 25) the second location is a location at which the information recording to and/or information reproduction from the magnetic tape is not possible (Fig. 21); and when the arm section pivots from the second location to the first location the maintaining section maintains a relative position of the arm section, which is in the first location to the capstan section.

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5. Regarding Claim 2, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein as the arm section pivots from the second location to the first location the tape guide section pull out the magnetic tape (See Fig. 21 and 25).

6. Regarding Claim 3, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein: the tape guide section is provided on the arm section so as to maintain a relative tilt of the tape guide section to the arm section the maintaining section is provided on the capstan section so as to maintain a relative tilt of the maintaining section to the capstan section; and when the arm pivots from the second location to the first location the maintaining section maintains a relative tilt of the arm section which is in the first location to the capstan section (Col 7, lines 1-16).

7. Regarding Claim 4, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, further comprising: a cylinder (94) for recording information to and/or reproducing information from the magnetic tape; a first chassis (81) section having the cylinder provided thereon; and a second chassis section (86) on which a cassette accommodating the magnetic tape is mountable, the second chassis section being movable with respect to the first chassis section wherein in accordance with the movement of the second chassis section the arm section pivots from the second location to the first location.

8. Regarding Claim 5, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein: the first chassis section has a first chassis surface (81) having the cylinder (94) thereon and a second chassis (86) surface substantially perpendicular to the first chassis surface; the capstan section includes a pivoting adjusting section (116) for pivoting the capstan (101) section along a plane parallel to the second

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chassis surface so as to adjust a tilt of the capstan section the second chassis surface has an engaging section engageable with the pivoting adjusting section; the pivoting adjusting section pivots in accordance with the pivoting of the capstan section and the pivoting center of the pivoting adjusting section substantially matches the position of the maintaining section (Col 19, lines 8-20).

9. Regarding Claim 6, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein when the arm section pivots from the second location to the first location, the tape guide section is located in the vicinity of the maintaining section (Figs. 21 and 25).

10. Regarding Claim 7, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, further comprising a plurality of guide posts (117,118) for guiding the magnetic tape; wherein one of the plurality of guide posts is the tape guide section and when the arm section pivots from the second location to the first location the tape guide section is closest to the capstan (101) section among the plurality of guide posts.

#### ***Response to Arguments***

11. Applicant's arguments filed December 14, 2006 have been fully considered but they are not persuasive.

**Applicant asserts on Pages 5 and 6 that the arm section of Figure 24 is not pivotable around shaft (108) and the tape guide section is not pivotable about the shaft (108) and that “the slanting post (99) could not serve to maintain the relative position of the arm section as recited in claim 1”.**

The Examiner maintains the mechanism shown in Figure 24 is an arm section of the magnetic recording and reproducing apparatus, and that the section is indeed pivoting about shaft (108) – Col. 17, lines 16-32. Claim 1 does not specifically define the part of the arm section that is pivoting (i.e., it does not discuss a tape guide section pivoting about a shaft as presented in the arguments). Furthermore, regarding the maintaining section, Claim 1 states “the maintaining section maintains a relative position of the arm section”. The Examiner finds the phrase “a relative position” very broad. Maintaining section (99) maintains its relative position to shaft (108) which the Examiner considers part of the arm section of Figure 24. Therefore, the rejection of Claims 1-7 are upheld.

#### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

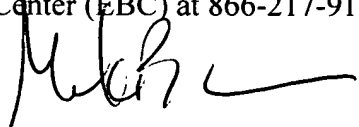
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mark Blouin  
Patent Examiner  
Art Unit 2627  
January 8, 2007

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
1/18/07